IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 15217 of 2005

Between:

1 Yadla Prabhakara Rao, S/o.Venkata Reddy,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
2 Vanum Appa Rao S/o.Gangayya,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
3 Kudipudi Ravi S/o.Ganeswara Rao,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
4 D.Surya Rao S/o.Suryanarayana,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
5 D.Perraju S/o.Venkata Ramana,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
6 D.Nagendra Rao S/o.Mavulu,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
7 D.Venkata Ramana S/o.Venkanna,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
8 U.Nooakambanam S/o.Ramayya,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
9 D.Krishna Murthy S/o.Meerayya,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
10 U.Mavulu S/o.Venkata Reddy,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
11 E.Verraju S/o.China Chandra Rao,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu

Mandal, East Godavari District.

12 A.China Satyanarayana S/o.Gaddlyya,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

13 G.Venkata Ramana S/o.Satyam,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

14 M.Atchamma W/o.Venkata Rao,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

15 Y.Ramachandra Rao S/o.Venkatareddy,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

16 U.Narasimhulu S/o.Dharma Raju,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

17 G.Damayanthi W/o.Late Satyanarayana,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

18 Pamu Ramudu S/o.Malkyam,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

19 Sri Elipe Sahebu S/o.Veeranna,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

20 D.Arjuna S/o.Tatayya,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

21 N. Venkata Reddy S/o Mavulu,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

22 Dunna Subba Rao S/o Morthayya,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

23 D. Janamejayaudu S/o Tatabbai,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

24 D.Babu Rao S/o Arjuna,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

25 Mortha Subba Rao S/o Nagamuni,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

26 U. Narasimha Murthy S/o Suryanarayana,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

27 Mortha Nageswara Rao S/o Chinnayya,
P.Mallavaram Village,R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

28 Ellpe Nageswra Rao S/o Surya,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu
Mandal, East Godavari District.

29 Kunche Srinivas S/o Venkata Reddy,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.
30 Mokkana Arjuna Rao S/o Kondaiah,
P.Mallavaram Village, R/o.P.Mallavaram Village, Tallarevu Mandal, East Godavari District.

..... PETITIONERS

AND

1 The Regional Joint Commissioner, Endowments Department, Multizone-I, Kakinada.
2 The Assistant Commissioner, Endowments Department, Rajahmundry.
3 Sri Venkateswara Swamy Temple, represented by Manager P. Mallavaram, (V), Tallarevu (M), East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction or directions more particularly one in the nature of writ of Mandamus declaring the notice of auction of lease hold rights dt.10.7.2005 scheduled to be conducted on 19.7. 2005 issued by the 3rd respondent in respect of land to the extent of Ac 42.65 cents in Survey No.606/1 and 3 situated in P.Mallavaram Village, Tallarevu Mandal, East Godavari District as illegal, arbitrary and violative of Art.14, 19 and 21 of the Constitution of India apart from the same being contrary to the Provisions of Act 30/87 and the Rules made thereunder.

Counsel for the Petitioners: MR.M.VIJAY KUMAR

Counsel for the Respondent Nos.1 and 2: G.P. FOR ENDOWMENTS

Standing Counsel for Respondent No.3: SMT.N.INDRANI

The Court at the stage of admission made the following:

ORAL ORDER:

Against the order of the Assistant Commissioner, Endowments Department, Rajahmandry, 2nd respondent herein, dated 13.6.2005, wherein the 2nd respondent held that the petitioners were not legalized tenants under the provisions of the Endowments Act and that they are not entitled for the relief of being declared as landless poor persons, petitioners herein filed a Revision before the Regional Joint Commissioner, Endowments, Kakinada in RP.Nos.206 to 235 of 2005.

2. Sri M.Vijaya Kumar, learned counsel for the petitioners contends that though the order of the 2nd respondent was passed on 13.6.2005 and despite the fact that they had filed the Revisions soon thereafter, still the matter is pending with the Regional Joint Commissioner-1st respondent, and in the meanwhile the 3rd respondent is going ahead with the auction.

3. There shall be a direction to the 1st respondent to consider the Revision Petitions filed by the petitioners herein, as expeditiously as possible, not later than a period of two (02) months from the date of receipt of a copy of this order.

4. Needless to state that this order shall not preclude the 3rd respondent from going ahead with the auction.

5. The Writ Petition is disposed of accordingly. No costs.

SSR 15.07.2005

To

1 The Regional Joint Commissioner, Endowments Department, Multizone-I, Kakinada.
2 The Assistant Commissioner, Endowments Department, Rajahmundry.
3 The Manager, Sri Venkateswara Swamy Temple, P. Mallavaram, (V), Tallarevu (M), East Godavari District.

4 2 CCs to G.P. for Endowments, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

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